

RESOLUTION

CASE NO. SUP-3-02. TRUSWOOD WATERLINE EXTENSION

WHEREAS, the Board of Supervisors of James City County has adopted by ordinance specific land uses that shall be subjected to a special use permit process; and

WHEREAS, the applicant has requested a special use permit to allow for the construction of a 16-inch waterline to be constructed between the James River Commerce Center, through a portion of the BASF property, to the Truswood properties; and

WHEREAS, the general alignment is shown on that certain plan entitled, "Conceptual Corridor Alignment 16" Water Transmission Main Extension," prepared by LandMark Design Group and dated February 5, 2002; and

WHEREAS, the James River Commerce Center is currently zoned M-1, Limited Business/Industrial, and the BASF and Truswood properties are zoned M-2, General Industrial; and

WHEREAS, the James River Commerce Center is designated for Mixed Use while the BASF and Truswood properties are designated for General Industry on the 1997 Comprehensive Plan Land Use Map; and

WHEREAS, the properties in which the waterline extension would be located are (59-4)(1-3), (59-4)(1-4), (59-4)(1-5A), (59-2)(1-17) and (59-2)(1-45); and

WHEREAS, on March 4, 2002, the Planning Commission recommended approval of the application by a vote of 6-0, with one abstention.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve the issuance of SUP-3-02 as described herein with the following conditions:

1. Archaeological studies shall be performed in accordance with the James City County Archaeological Policy for all land disturbed within the "Proposed 16" water transmission main extension corridor," as identified on the Master Plan entitled "Conceptual Corridor Alignment - 16" water transmission main extension," prepared by LandMark Design Group and dated February 5, 2002.
2. Natural resource studies shall be performed in accordance with the James City County Natural Resource Policy for all land disturbed within the "Proposed 16" water transmission main extension corridor," as identified on the Master Plan entitled "Conceptual Corridor Alignment - 16" water transmission main extension," prepared by LandMark Design Group and dated February 5, 2002.

3. The location of any Resource Protection Area (RPA), RPA buffer, steep slope (i.e., slopes greater than 25 percent in grade) and/or wetland shall be identified by the developer and shall be indicated on any site plan or development plan which is submitted to James City County for approval. The identification must be approved by the James City County Environmental Division prior to the issuance of preliminary site plan approval.
4. For all portions of the construction easement that have been cleared, but that do not need to remain clear after construction, as determined by the Planning Director, tree seedlings shall be planted in accordance with the Virginia Department of Forestry guidelines and shall be shown on a reforestation plan to be approved by the Director of Planning. This reforestation plan shall be submitted within one year of clearing the easement. The reforestation of this easement shall be completed, as determined by the Director of Planning, within two years of clearing the easement. It shall be the responsibility of the developer to provide surety prior to final site plan approval for the pipeline construction guaranteeing implementation of the reforestation plan and to secure the necessary means to plant on the construction easement after the easement reverts back to the property owner.
5. The final location of the pipeline shall be approved by the Director of Planning. However, the final location of the pipeline and all construction related activity shall avoid previously undisturbed areas of the RPA and the RPA buffer. Should the pipeline alignment need to cross a previously undisturbed RPA or previously undisturbed RPA buffer, the pipeline shall be bored underground to avoid any aboveground disturbance. Previously uncleared portions of the RPA and RPA buffer shall remain generally undisturbed, except as determined by the Environmental Director.
6. Any crossing of the BASF sanitary sewer line and/or pump station, shall be reviewed and approved by the James City Service Authority.
7. Prior to the issuance of preliminary site plan approval, an agreement and plan, including implementation time lines, must be reviewed and approved by the James City Service Authority on how the two Truswood properties, Tax Map IDs: (59-4) (1-4) and (59-4)(1-5A), will be served with public sewer.
8. The project shall comply with all Virginia Erosion and Sediment Control Regulations as specified in the 1992 Virginia Erosion and Sediment Control Handbook, as amended.
9. All required permits and easements, including necessary approvals from the Newport News Water Works, shall be obtained prior to the start of construction, as defined in the James City County Zoning Ordinance.
10. Construction, operation, and maintenance shall comply with all local, State, and Federal requirements, including all Newport News Water Works requirements.

11. A Land Disturbing Permit shall be obtained by the developer within 24 months of the date of this SUP or the permit shall be void.
12. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

James G. Kennedy
Chairman, Board of Supervisors

ATTEST:

Sanford B. Wanner
Clerk to the Board

Adopted by the Board of Supervisors of James City County, Virginia, this 9th day of April,
2002.

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